

Exhibit 11

Office Action Summary

Application No.

12/005,229

Applicant(s)

MOSKOWITZ ET AL.

Examiner

CAROL S. TSAI

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 and 26-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 and 26-73 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/5/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

Application/Control Number: 12/005,229
Art Unit: 2857

Page 2

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Terminal Disclaimer

1. The terminal disclaimer filed on October 30, 2008 disclaiming the terminal portion of any patent granted on this application has been reviewed and disapproved because a 37 CFR 3.73B is required.

Allowable Subject Matter

2. Claims 22-24 and 26-73 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
4. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose an electronic system for monitoring and analyzing at least one signal, comprising: a first input that receives at least one reference signal to be monitored, a first processor that creates an abstract of each reference signal input to said first processor through said first input; a second input that receives at least one query signal to be analyzed, a second processor that creates an abstract of each query signal; a reference database that stores abstracts of each at least one reference signal; a comparing device that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least

BLU000791

Application/Control Number: 12/005,229
Art Unit: 2857

Page 3

one query signal matches any of the stored abstracts. However, Logan et al. do not teach the abstract comprising signal characteristic parameters configured to differentiate between a plurality of versions of the reference signal; a second processor that creates an abstract of each query signal wherein the abstract comprises signal characteristic parameters of the query signal; and a match indicating the query signal is a version of at least one of the reference signals; and including all of the other limitations in the respective independent claims.

5. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a method for monitoring the distribution of data signals, comprising: creating an abstract for a data signal; storing the data signal abstract in at least one reference database; receiving a query signal; creating an abstract for the query signal based on the parameters; comparing the created data signal abstract to at least one database of data signal abstracts, each abstract in the at least one database corresponding to a data signal; and determining the status for the created data signal abstract based on the comparison. However, Logan et al. do not teach the data signal abstract comprising signal characteristic parameters configured to differentiate between a plurality of versions of the data; comparing the created query signal abstract to the at least one database of data signal abstracts, each abstract in the at least one database corresponding to a version of the data signal; and determining whether the query signal abstract matches any of the stored data signal abstracts in the at least one database to enable authorized transmission or use of the query signal for the query signal abstract

Application/Control Number: 12/005,229
Art Unit: 2857

Page 4

based on whether a match was determined; and including all of the other limitations in the respective independent claims.

6. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a system for identifying and distributing signals, comprising: a first input that receives a query abstract of a signal to identify; a database containing a plurality of signal abstracts, the plurality of signal abstracts each associated with a corresponding signal; a comparing device that compares the query abstract to the plurality of abstracts stored in the reference database to identify a matching signal abstract; and a device for retrieving the signal corresponding to the matching signal abstract; and a device for conducting a transaction, the transaction selected from the group consisting of a download and a subscription. However, Logan et al. do not teach a database containing a plurality of signal abstracts, the plurality of signal abstracts each associated with a corresponding signal wherein each of the plurality of the signal abstracts retains a perceptual relationship with the corresponding signal; and including all of the other limitations in the respective independent claims.

7. U. S. Patent No. 6,088,455 to Logan et al. is the reference closest to the claimed invention. Logan et al. disclose a process for analyzing and identifying at least one signal, comprising: receiving at least one reference signal to be identified, creating an abstract of each reference signal received; storing abstracts of each reference signal received in a database; receiving: at least one query signal to be identified, creating an abstract of the received query signal; and comparing an abstract of said received query signal to the abstracts stored in the database to determine if the abstract of said

Application/Control Number: 12/005,229
Art Unit: 2857

Page 5

received query signal is related to any of the stored abstracts.. However, Logan et al. do not teach creating an abstract of each reference signal received based on perceptual characteristics representative of parameters to differentiate between versions of the reference and creating an abstract of the received query signal based on the parameters; and including all of the other limitations in the respective independent claims.

Conclusion

8. This application is in condition for allowance except for the following formal matters:

9. Terminal disclaimer is disapproved because a 37 CFR 3.73B is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAROL S. TSAI whose telephone number is (571)272-2224. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramos-Feliciano S. Eliseo can be reached on (571) 272-7925. The fax

BLU000794

Application/Control Number: 12/005,229
Art Unit: 2857

Page 6

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 17, 2009
Art Unit 2857

/Carol S Tsai/
Primary Examiner, Art Unit 2857

BLU000795